

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.:** SP13-025

**Submitted:** May 8, 2013

**PROJECT DESCRIPTION:** Appeal of the Director's decision to deny a Special Use Permit to erect a 60-foot tall wireless communications antenna monopole and associated equipment on a 1.08 gross acre site.

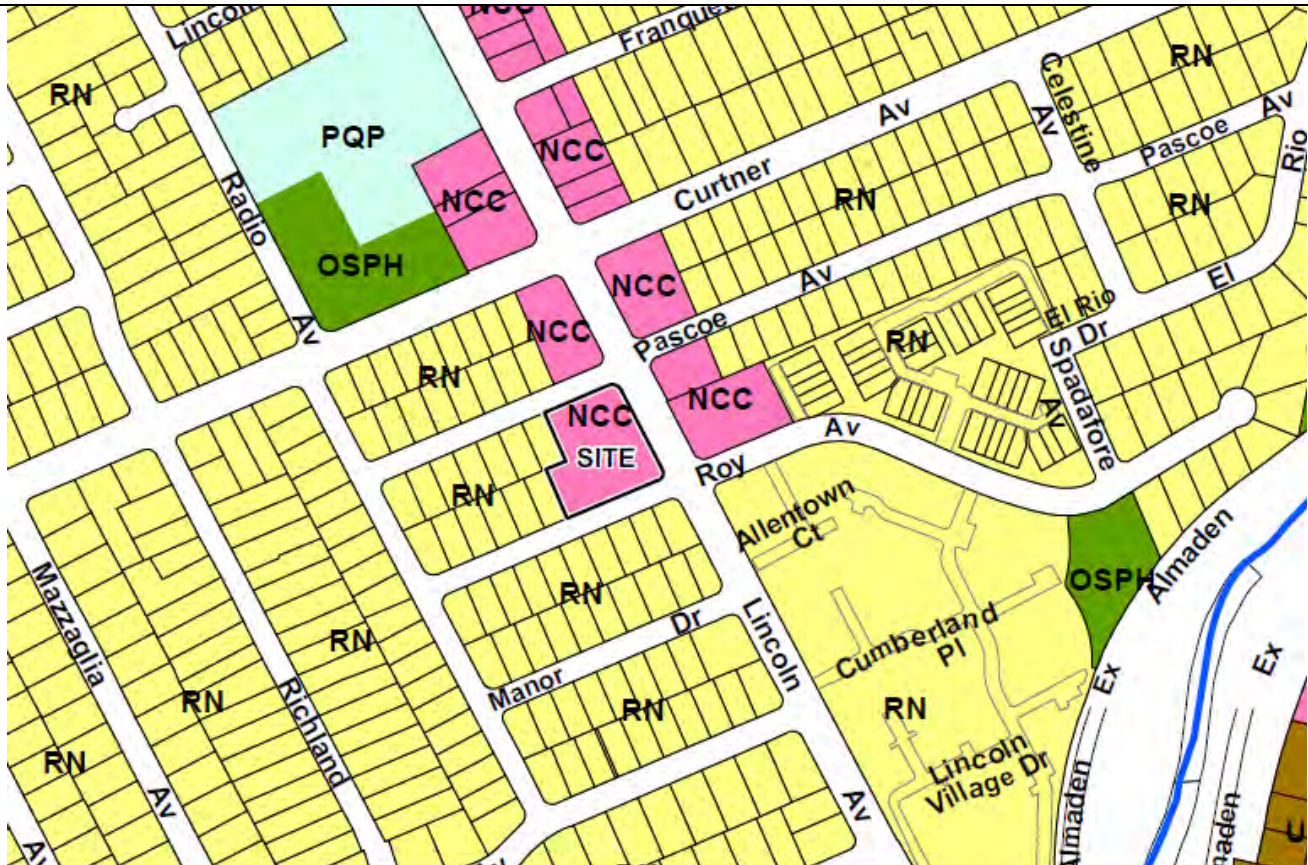
Zoning	CP – Commercial Pedestrian
General Plan	Neighborhood/Community Commercial
Council District	6
Annexation Date	
Historic Resource	No
Specific Plan	No

**LOCATION:** Northwest corner of Lincoln and Roy Avenues (228 Lincoln Avenue).

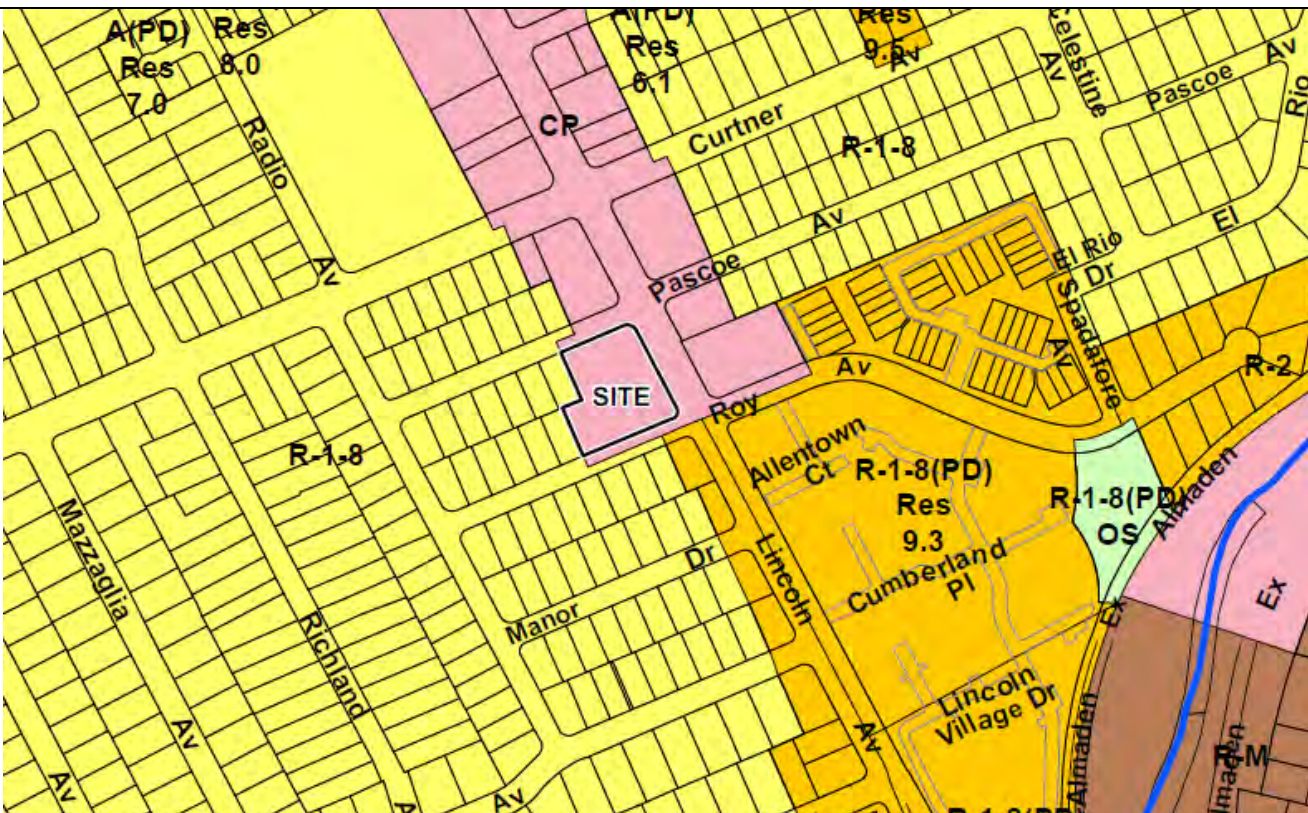
Aerial Map



## GENERAL PLAN



## ZONING



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission uphold the Director of Planning's Denial of the Special Use Permit to erect a 60-foot tall wireless communications antenna monopole and associated equipment on a 1.08 gross acre site for the following reasons:

1. The proposed project does not further Community Design Policy CD-4.12 of the General Plan, which states that wireless communication antenna structures should be located to minimize public visibility and to avoid significant adverse effects on adjacent properties. Wireless communication antenna projects should also incorporate visual amenities, such as landscaping, to offset potential adverse visual impacts.
2. The proposal does not meet the Zoning Code wireless communications antenna, slimline monopole design standard with a pole diameter exceeding 18 inches (24 inches).
3. The proposal includes the removal of one parking space resulting in the site's further non-conformance with Zoning Code parking requirements and with the previously approved Site Development Permit.
4. The proposed project does not comply with applicable criteria of City Council Policy 6-20, Land Use Policy for Wireless Communication Facilities.
5. The proposed project conforms to the requirements of the California Environmental Quality Act (CEQA).

## **PROJECT DESCRIPTION AND BACKGROUND**

On May 8, 2013, Lily Lim with Core Development Services on behalf of Verizon Wireless, submitted a Special Use Permit for the installation of a 60 foot tall wireless communications antenna slimline monopole and associated equipment on the southeast corner of an existing 1.08 acre shopping center (Mission Glen Center) in the CP – Commercial Pedestrian Zoning District. A Special Use Permit is required pursuant to the applicable provisions of Title 20 of the San José Municipal Code (Zoning Ordinance) for construction of a wireless communications antenna slimline monopole.

The 1.08 acre site was developed under a Site Development Permit (File No. H68-353) that allowed construction of the approximately 11,890 square foot one-story commercial building that currently sits on the westerly portion of the site. The remainder of the site is developed with surface parking along Lincoln Avenue.

Single-family detached residences are located adjacent to the site to the west, to the south of the site across Roy Avenue, and to the northwest of the site across Pascoe Avenue. Existing commercial developments are located to the north of the site across Pascoe Avenue and to the east across Lincoln Avenue.



The proposed monopole is located approximately 75 feet away from the nearest residential property line to the south across Roy Avenue.

The Special Use Permit was considered at the Planning Director's Hearing on November 6, 2013. Several members of the public provided testimony and written correspondence (see attached) in opposition to the project. Objections to the project were based on potential negative impacts to property values, visual impacts, inadequate landscape screening, and perceived health impacts.

On November 6, 2013 the Special Use Permit was denied by the Planning Director and on November 18, 2013, the applicant appealed the Director's decision to deny the Special Use Permit.

## **ANALYSIS**

The proposed project has been analyzed for conformance with the following: 1) Envision San Jose 2040 General Plan; 2) City of San José Zoning Ordinance; 3) City Council Land Use Policy for Wireless Communication Facilities (6-20); 4) California Environmental Quality Act (CEQA); and 5) specific comments raised by the appellant.

### ***General Plan Conformance***

The proposal is consistent with the General Plan Telecommunications goal and policies that support the provision of state-of-the-art telecommunication services for households, businesses, institutions, and public agencies throughout the city to foster fiscal sustainability, an innovative economy, support environmental leadership, and meet the needs of quality neighborhoods. However, the project does not further Community Design Policy CD-4.12 of the General Plan, which states that wireless communication antenna structures should be located to minimize public visibility and to avoid significant adverse effects on adjacent properties. Wireless communication antenna projects should also incorporate visual amenities, such as landscaping, to offset potential adverse visual impacts. The proposed 60 foot tall monopole located near the southeast corner of the site is proposed in a visually prominent location along Lincoln and Roy Avenues with no meaningful screening of the proposed monopole provided from the existing building and little opportunity on-site for landscape trees to help off-set the visual impacts of the proposal.

### ***Zoning Conformance***

The proposed project does not conform to the provisions of Title 20 of the San José Municipal Code in that the proposed monopole design does not meet the definition of a wireless communication antenna slimline monopole. Under the provisions of Section 20.200.1430 of the San Jose Municipal Code a wireless communications antenna, slimline monopole is a single antenna pole not exceeding 18 inches in diameter at the base of the antenna or pole, with antennas screened by an enclosure not exceeding 3 feet in diameter, and associated mechanical equipment. The diameter of the monopole at the base is 24 inches.

Section 20.80.1900 of the San José Municipal Code allows the maximum height of a wireless communications antenna to be increased over the required maximum height of the zoning district in which it is located up to a maximum of sixty feet provided that the antenna is a wireless communications antenna slimline monopole. Because the monopole does not meet the slimline requirements the maximum allowed height would be 50 feet, which is the maximum height allowed in the CP – Commercial Pedestrian Zoning District.

### ***Wireless Communication Facilities Policy***

As stated in the City Council's Land Use Policy for Wireless Communication Facilities 6-20, San José has a strong interest in achieving and maintaining a high level of wireless communication service availability for businesses and residents and encourages substantial competition among service providers to meet increasing demands for newer and better services. At the same time the City understands that potential land use impacts can result from the development of wireless communication facilities, particularly visual clutter and interface issues with proximity to residential neighborhoods. The purpose of the City Council Wireless Policy is to support the extension of communication services to businesses and residents in a way that minimizes visual clutter and interface issues.

Where feasible, the Wireless Policy states that architecturally integrated building-mounted wireless communication antenna are the preferred approach over new freestanding monopoles.

The Wireless Policy identifies criteria for siting wireless communication antennas, including visual impacts and setbacks from residential uses.

To minimize public visibility the Wireless Policy states that new freestanding monopoles utilize a "stealth" pole design. As described above the proposed monopole does not meet the Zoning Ordinance wireless communication antenna slimline monopole design. To help off-set the overall visual impact of new freestanding monopoles the Wireless Policy states that new landscaping should be provided. Given the constraints of the existing site there is little or no opportunity to add any new trees and none were proposed as part of the project.

Enclosures for ancillary equipments associated with wireless installation should also be adequately screened and be architecturally compatible with surrounding development. The proposed 490 square foot, 9-foot tall walled enclosure is located in the setback area adjacent to the south side of the existing commercial building and within 5-feet of the public sidewalk along Roy Avenue. Although the proposal includes a raised planter along the side of the enclosure facing the street, the height and breadth of the enclosure is visually intrusive on the public right-of-way and obscures the southern elevation of the southeast corner of the existing building.

The Wireless Policy states that freestanding monopoles should be located no closer to a parcel developed for use as a single-family or multi-family residence than 35 feet or a distance equal to 1 foot for every 1 foot of structure height, whichever is greater. The proposed 60 foot tall monopole would require a minimum 60 foot setback from the nearest single-family parcels. The 60-foot tall monopole is proposed to be located approximately 75 feet away from the nearest residential property lines to the south across Roy Avenue.

### ***Environmental Review***

Under the provisions of Section 15303, Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, in that the project is limited to installation of a small amount of equipment and construction of a new monopole.

### ***Specific Comments Raised by Appellants***

A copy of the appeal is attached to this staff report for reference. Each of the stated reasons for appeal is numbered below in italics. Staff's responses are included below each reason for appeal.

1. *Denial of this application was in error. The decision errs in the characterization of the site design and the facts of the site location as it is applied to the San José Municipal Code.*

The decision to approve or deny the subject land use permit is based on conformance with the Envision San José 2040 General Plan, the City of San José Zoning Code, and City Council Land Use Policy for Wireless Communication Facilities (6-20).

2. *The denial also violates the Telecommunications Act of 1996.*

No information was provided in the appeal or subsequent correspondence from the appellant that would specify how the denial of the Special Use Permit violates the Federal Telecommunications Act of 1996. Although a number of nearby residents expressed concerns regarding the potential negative health effects of living near a wireless communications antenna installation, the subject denial was not based on the environmental effects of radio frequency emissions.


### **PUBLIC OUTREACH/INTEREST**

The property owners and occupants within a 500-foot radius were sent public hearing notices for the Planning Commission appeal hearing. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposal. Staff has been available to discuss the proposal with interested members of the public.

### **CONCLUSION**

As stated above, San José has a strong interest in achieving and maintaining a high level of wireless communication service availability for businesses and residents and encourages substantial competition among service providers to meet increasing demands for newer and better services. At the same time the City understands that potential land use impacts can result from the development of wireless communication facilities, particularly visual clutter and interface issues with proximity to residential neighborhoods.

Although the proposed installation meets the City's General Plan Telecommunications Goal and Policies, the proposal does not further Community Design Policy CD-4.12 of the General Plan, does not meet the applicable regulations of the City's Zoning Ordinance, and is not consistent with the City's Wireless Policy. For these reasons staff is recommending that the Planning Commission uphold the Planning Director's denial of the proposed Special Use Permit.

**Project Manager:** John W. Baty **Approved by:** 

**Date:** 12-18-13

Appellant/Applicant:	Attachments:
Lily Lim Core Development Services 10 Rollins Road #202 Millbrae, CA. 94030 Reduced Plan Set	1. Draft Resolution 2. Notice of Permit Appeal from Lily Lim, Core Development Services 3. Public Correspondence 4. Reduced Plan Set

## **RESOLUTION NO. 14-**

Resolution of the Planning Commission of the City of San José denying a Special Use Permit to allow the installation of a new 60-foot tall wireless communications antenna slimline monopole and associated equipment on a 1.08 acre site at the northwest corner of Lincoln and Roy Avenues (2285 Lincoln Avenue).

### **FILE NO. SP13-025**

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on May 8, 2013 an application (File No. SP13-025) was filed for a Special Use Permit to allow the installation of a new 60-foot tall wireless communications antenna slimline monopole and associated equipment on that certain real property (hereinafter referred to as “subject property”), situate in the CP Commercial Pedestrian Zoning District, located on the northwest corner of Lincoln and Roy Avenues within the Mission Glen Shopping Center (2285 Lincoln Avenue);  
and

WHEREAS, the subject property is all that real property described in Exhibit “A,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a plan for the subject property entitled, “Willow Glen South, 2285 Lincoln Avenue, San José, CA 95125, Santa Clara County,” last dated March 2013. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The subject site has a designation of Neighborhood/Community Commercial on the adopted Envision San José 2040 General Plan Land Use/Transportation Diagram.
2. The site is located in the CP – Commercial Pedestrian Zoning District.
3. The site is 1.08 gross acres in size and is located on the west side of Lincoln Avenue between Pascoe Avenue and Roy Avenue.
4. The site is currently developed with an approximately 11,890 square foot one-story commercial building on the westerly portion of the site with surface parking along Lincoln Avenue. The majority of the building is approximately 13-feet to the top of roof and 8-feet to the bottom of the eaves. A small cupola on the southeast corner of the building extends to approximately 30-feet in height.
5. A Site Development Permit (File No. H68-353) was approved to allow the existing 11,890 square foot building. The Site Development Permit was approved with 50 parking spaces based on the assumption that the future tenants would be a mix of office and retail uses.
6. The parking requirement for general office use is 1 space per 250 net square feet and for retail use is 1 space per 200 net square feet. For purposes of parking calculations net square footage is equal to 85-percent of the gross square footage.
7. If the building were entirely occupied by office uses 41 parking spaces would be required. If the building were entirely occupied by retail uses 51 parking spaces would be required.
8. The proposed plans and recent aerial imagery show a total of 39 parking spaces. No Planning approval has been located or produced by the applicant showing the reconfiguration or elimination of approved parking, which, based on a review of historic aerial imagery, occurred sometime after February 2004.
9. Single-family detached residences are located adjacent to the site to the west, to the south of the site across Roy Avenue, and to the northwest of the site across Pascoe Avenue. Existing commercial developments are located to the north of the site across Pascoe Avenue and to the east across Lincoln Avenue.
10. This Special Use Permit request is to allow installation of a new 60-foot tall wireless communications antenna slimline monopole and associated equipment within a walled enclosure. The monopole is proposed to be located in the southeast corner of the site in the existing parking area near the corner of Lincoln and Roy Avenues and would require the removal of one parking space. The equipment enclosure is proposed to be located adjacent to the southeast corner of the existing building within an existing setback area between the building and the sidewalk along Roy Avenue.
11. Under the provisions of Section 20.20.100 of the San José Municipal Code, a Special Use Permit is required for the installation of a wireless communications antenna slimline monopole.

12. The diameter of the proposed monopole is 24 inches, and is 60 feet in height; the radome enclosing the antennas has a diameter of 36 inches.
13. Under the provisions of Section 20.200.1430 of the San Jose Municipal Code a wireless communications antenna, slimline monopole is a single antenna pole not exceeding 18 inches in diameter at the base of the antenna or pole, with antennas screened by an enclosure not exceeding 3 feet in diameter, and associated mechanical equipment.
14. Section 20.80.1900 of the San José Municipal Code allows the maximum height of a wireless communications antenna to be increased over the required maximum height of the zoning district in which it is located up to a maximum of sixty feet provided that the antenna is a wireless communications antenna slimline monopole.
15. The size of the proposed enclosure for the associated equipment is 14 feet by 35 feet (490 square feet). The walls of the proposed enclosure are 9 feet tall.
16. The proposed monopole is approximately 75 feet from the nearest residential property line to the south across Roy Avenue and approximately 45 feet from Lincoln Avenue, a four lane road, to the east.
17. The Director of Planning, Building, and Code Enforcement found the proposed project to be exempt pursuant to Section 15303 of the California Environmental Quality Act (CEQA).

The Planning Commission concludes and finds, based on the analysis of the above facts, that:

1. The interrelationship between the orientation, location and elevations of the proposed monopole and related equipment and other uses on-site are not mutually compatible and aesthetically harmonious in that:
  - a. The proposed 60-foot tall monopole and 9-foot tall walls of the proposed equipment enclosure are out of scale with the existing one-story building.
  - b. The proposal does not meet the Zoning Code wireless communications antenna, slimline monopole design standard with a proposed pole diameter of 24 inches.
  - c. One parking space is being displaced by this proposal and the site is already currently deficient of required parking spaces.
2. The orientation, location and elevation of the proposed building(s), structure(s) and other uses on the site are not compatible with and are not aesthetically harmonious with adjacent development or the character of the neighborhood in that:
  - a. The proposal does not meet the Zoning Code wireless communications antenna, slimline monopole design standard with a pole diameter exceeding 18 inches (24 inches).
  - b. The proposed project does not comply with applicable criteria of City Council Policy 6-20, Land Use Policy for Wireless Communication Facilities. New freestanding monopoles should be located to minimize public visibility. The new 60 foot tall monopole near the southeast corner of the site is proposed in a visually prominent location along Lincoln and Roy Avenues with no meaningful screening of the proposed monopole provided from the existing building and little opportunity on-site for landscape trees to help off-set the visual impacts of the proposal. The proposal requires the removal of one parking space when the site is currently deficient of required parking spaces.

3. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
  - a. Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
  - b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.
4. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are not sufficient to maintain the appearance of the neighborhood in that:
  - a. No trees are proposed with the project and there is little opportunity on-site for placement of trees to off-set the visual impacts of the proposed monopole.
  - b. The proposed 490 square foot, 9-foot tall walled enclosure is located in the setback area adjacent to the south side of the existing building and within 5-feet of the public sidewalk along Roy Avenue.
5. Traffic access, pedestrian access and parking are not adequate in that:
  - a. The proposed number, size and access of parking spaces does not comply with the requirements of the Zoning Ordinance and with the approved Site Development Permit for the shopping center site.
6. This application does not further Community Design Policy CD-4.12 of the General Plan, which states that wireless communication antenna structures should be located to minimize public visibility and to avoid significant adverse effects on adjacent properties. Wireless communication antenna projects should also incorporate visual amenities, such as landscaping, to offset potential adverse visual impacts.

Finally, based upon the above-stated findings, the Planning Commission finds and concludes pursuant to the Special Use Permit Finding (Section 20.100.820) of the San José Municipal Code:

1. The proposed use at the location requested will:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area;
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety, or general welfare; and
2. The proposed site is not adequate in size and shape to accommodate the development features prescribed in this Title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and

3. The proposed site is adequately served:
- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - b. By other public or private service facilities as are required.

Based upon the above-stated findings the Planning Commission denies, pursuant to Part 7 of Chapter 20.100 of the San José Municipal Code, the subject proposal to allow the installation of a wireless communications antenna slimline monopole and associated equipment on the subject property.

**DENIED on this 8<sup>th</sup> day of January 2014**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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NORMAN KLINE  
Chairperson

ATTEST:

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JOSEPH HORWEDEL  
Director of Planning, Building & Code Enforcement  
Planning Commission Secretary

### **NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

## NOTICE OF PERMIT APPEAL

### TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER <b>SP13-025</b>	RECEIPT # _____
PROJECT LOCATION <b>2285 LINCOLN AVE</b>	AMOUNT _____
	DATE _____
	BY _____

### TO BE COMPLETED BY PERSON FILING APPEAL

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE. THIS FORM MUST BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

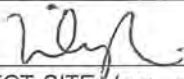
THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:

2285 Lincoln Avenue

REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):

Denial of this application was in error. The decision errs in the characterization of the site design and the facts of the site location as it is applied to the San Jose Municipal Code. The denial also violates the Telecommunications Act of 1996.

### PERSON FILING APPEAL

NAME Verizon Wireless c/o Core Development Services	DAYTIME TELEPHONE ( )
ADDRESS 10 Rollins Road #202 Millbrae CA 94030	CITY STATE ZIP CODE
SIGNATURE Lily Lim 	DATE 11/15/13
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet) <b>Applicant</b>	

### CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)

NAME Lily Lim (Core Development Services)		
ADDRESS 10 Rollins Road #202 Millbrae CA 94030		
DAYTIME TELEPHONE ( ) 510-847-8911	FAX NUMBER ( )	E-MAIL ADDRESS LLIM@core.us.com

### PROPERTY OWNER

NAME Joseph Castello	DATE 11/15/13
ADDRESS 2420 Carol Avenue San Jose CA 95125	CITY STATE ZIP CODE

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Re: SP13-025

For these reasons, I do object to the installation of a 60 foot cell tower to be built at the corner of Roy and Lincoln Aves.:

1. Our neighborhood already has two cell towers: one 3 blocks away in the Senior Center and another on the grounds of the middle school on Cottle Ave., 4 blocks away. We should not need another cell tower in such close proximity.
2. We are a residential neighborhood that includes some light commercial. The commercial owners should be respectful of the fact that they reside in a residential neighborhood and practice their business with respect to their neighbors.
  - a. Mission Glen Center is already unkempt in its appearance which demonstrates a disregard to aesthetics and a neighborhood environment.
  - b. Adding a 60 foot cell tower will only add to the center's declining value to our neighborhood.
  - c. In short, it is unsightly and will become more so, decreasing the value of my home.
3. Not necessarily in this order, but having been a mental health professional for nearly 50 years, I have seen the astronomical rise in physical and mental disorders, such as autism, ADD/ADHD and Alzheimer's, not to mention auto-immune diseases.
  - a. Autism rates are now 1 in 166 children and they are not necessarily born with it, but acquire it around 18 – 24 months, strongly suggesting environmental factors.
  - b. Bipolar is a now a common Dx.
4. Brain tumors and cancer are so common that people are getting wise and not placing their phone next to their ear but are using the speaker.  
*brain & throat*
5. While it cannot be proved that cellular technology that is blanketing our world is responsible, we have strong evidence that suggests a more discerning and temperate use of our technology. Cell towers should be limited or mostly constructed in heavy commercial and outlying areas where people come and go... not towering over their homes 24/7.
6. It should be noted that dogs can hear the frequencies that we cannot hear. Just because we cannot hear the frequency, does not mean that it doesn't exist. Just because we cannot see or hear cellular transmissions, does not mean that they are not impacting us negatively.
7. Eastern medical doctors are trained to read our pulses and accurately diagnose illnesses and even the quality of the water in our bodies, which escapes Western medicine. Just because we cannot detect negative impact from cell phone towers doesn't mean that it doesn't exist.
8. Please let us remember the engineer that warned the NASA crew that the o-ring would blow. He couldn't prove that it would blow on the 13<sup>th</sup> launch, but statistically it could.

And as we all know, it did. He couldn't prove it so the team would not listen, ending in disaster.

9. Mental illness drugs are a multi-billion dollar industry. Bipolar, ADD/ADHD and Alzheimer's are rampant. As a mental health professional I see more and more cause in the physical realm.

- a. We are dosing our kids with Ritalin, Adderol and Vivance which are all stimulants because they can't sit still or concentrate.
- b. Mental illness is so prevalent; we are advertising psychotropics on television to relieve all manner of mental symptoms of anxiety & depression.
- c. Not to mention again, autism 1 in 166 kids have it.

10. There has not been a way to test the impact of all this cellular technology on our bodies because you can't isolate the variable of something that blankets you and all the other variables. And who really wants to? Cell phones offer us so much that we want – we'll take the toy and leave the consequences to our kids.

To be unconcerned about what I am saying is to be as unconcerned as the NASA officials. I don't want to be living in Communication Flats, sister to Communication Hill. I want to live in a residential neighborhood relatively safe from direct cellular contamination.

Emily Perrotta

1117 Manor Drive

San Jose, CA 95125

To: Salifu Yakubu, Division Manager On Behalf of  
Joseph Horwedel, Director  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

From: Lisa Kerner  
1142 Manor Drive  
San Jose, CA 95125  
408-410-7000

Re: Public Hearing for SP13-025 Weds., Oct. 09, 2013 at 9:00am

October 7, 2013

Dear Mr. Yakubu:

I am unable to attend the above hearing and wish to appear by written declaration regarding proposed Special Use Permit SP13-025.

I am a homeowner residing within 500 feet of the proposed site. My family and I STRONGLY OBJECT to the placement of a 60 foot wireless communication tower on the corner of Roy and Lincoln Avenues.

1. The California Public Utility Commission has urged the cell phone industry to not locate towers near schools or hospitals because children, the frail, the elderly and pregnant women are most susceptible to the risks. The proposed tower would be within 500 feet of many children in my neighborhood, in addition to:
  - A. Within 0.2 mile of -
    - A. Action Day Nursery Lincoln School
    - B. Willows Senior Center
  - B. Within 0.4 mile of Regard Child Care & Development
  - C. Within 0.6 mile of -
    - A. Willow Glen Middle School
    - B. Willow Glen High School
2. If the proposed tower is allowed to be constructed in my residential neighborhood, a precedent will be set for future wireless carriers to build more towers in other San Jose neighborhoods. There are already two cell phone towers within a mile of the proposed site; one at the aforementioned Willow Glen Middle School. There is no evidence another tower is necessary or that it would improve wireless coverage effectively.

3. A 60 foot tower is out of scale with the natural aesthetics of the area. The addition of this structure to the landscape, combined with the existing gas stations located diagonally across the street on Lincoln Ave. and within 23 feet on Lincoln and Curtner Avenues of The Mission Glen Shopping Center, would be an eyesore and forever alter the residential character of the community. The Center is already abandoned looking, contributing to a look of urban blight; a cell tower will only exacerbate this effect.
4. Such a tower would lower property values of the single family homes and townhouses in the surrounding area. In response, residents would seek lower tax assessments. Numerous industry publications support this fact.
5. Current FCC "safe" standards based on 1985 studies of thermal or heating effects of radiation only, are among the least protective in the world and fail to consider more recent research which found brain cancer, memory impairment, DNA breakdown, and neurological problems with RF at much lower levels. The current U.S. standard for radiation exposure from cell phone towers is 580-1,000 microwatts per sq. cm. Most countries have set standards 100 to 1,000 times lower than the U.S. Examples:
  - A. Australia 200 microwatts
  - B. Russia, Italy, and Toronto, Canada 10 microwatts per sq. cm
  - C. China 6 microwatts per sq. cm
  - D. Switzerland 4 microwatts per sq. cm
  - E. Salzburg, Austria 0.1 microwatts per sq. cm
6. The dangers of microwave radiation from cell phone towers is being examined and debated all over the world, but relatively little in the U.S. Recent studies have shown that the intense radioactivity from mobile phone towers adversely impacts every biological organism within 0.62 miles. It can take years for the long term effects of RF illness to appear. Before residents and consumers are exposed, extensive studies on this topic should be conducted to determine the effects of long-term exposure to cell phone tower radiation. Consumers shouldn't be forced to act as guinea pigs in a long term biological effects experiment.

I REQUEST that the planning commissioners take a precautionary approach, strongly consider the potential physical and mental health effects, aesthetic impacts, and ineffective coverage improvement from the proposed wireless communication tower, and do everything possible to prevent this tower (and future cell towers) from being built near residential areas.

Sincerely,

Lisa Kerner

## Baty, John

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**From:** lisa kerner [lmkerner@hotmail.com]  
**Sent:** Monday, October 07, 2013 8:49 PM  
**To:** Baty, John  
**Subject:** SP13-025 Hearing 10/09/13  
**Attachments:** SP13-025 Hearing Oct 09 2013.pdf

Dear Mr. Baty - I am not able to attend the public hearing regarding this special use permit. Please help me to ensure my attached written statement is included in the proceedings. Please let me know if there is anything else I can do to make my concerns part of the public record. Thank you, Lisa Kerner 408-410-7000

## Baty, John

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**From:** Linda Wolf [newwolfs@comcast.net]  
**Sent:** Monday, October 07, 2013 5:57 AM  
**To:** Baty, John  
**Cc:** Oliverio, Pierluigi  
**Subject:** SP13-025

Dear Sirs,

I would like to express my concern and disapproval of the (file #SP13-025) pending 60-foot tall wireless communication antenna that is projected to be installed in Willow Glen at the corner of Lincoln Ave and Roy Ave. I am suggesting that perhaps you could utilize the midway section of land that is at the Almaden expressway and Lincoln Ave turnoff. There is plenty of flat ground and it would not be an eyesore for the existing homeowners nor would it potentially lower the property value of the homes located in that area.

If the reason for the installation at the shopping center was picked for monetary which the landowner would gain why not propose that the city gain that money by placing the antenna at the site away from residential properties that the city owns.

Please do not install the antenna in my neighborhood.

Thank you,

Linda Wolf  
2351 Radio Ave  
San Jose, Ca 95125

## Baty, John

---

**From:** Cynthia Armstrong [cindy1142@att.net]  
**Sent:** Monday, October 07, 2013 10:53 AM  
**To:** Baty, John  
**Subject:** Regarding Special Use Permit SP13-025  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Baty,

I am writing regarding the proposed Special Use Permit SP13-025 which will be considered at a public hearing at City Hall on October 9, 2013. My family and I have lived in the neighborhood near the Mission Glen Center for more than a decade and we **STRONGLY OBJECT** to the placement of a 60 foot wireless communication tower on the corner of Roy and Lincoln Aves for the following reasons:

1. Cell phone towers are NOT supposed to be built near residential housing and there is no evidence the tower would improve wireless coverage effectively.
2. If the proposed tower is allowed to be constructed near our residential area, a precedent will be set for future wireless carriers to build towers in other San Jose neighborhoods. There are already two cell phone towers within a mile of the proposed location. Another tower is unnecessary.
3. The proposed tower presents potential health risks, especially for our youth. There are compelling scientific studies linking wireless communication towers to illnesses including headaches, dizziness, depression and cancer. The proposed tower would be within a half mile of two day care centers and a youth/ senior center.
4. Such a tower would lower property values of the single family homes and townhouses in the surrounding area. In response, residents would seek lower tax assessments. There are industry publications in support of this argument.
5. A 60 foot tower is completely out of scale with the natural aesthetics of the area. The addition of this structure to the landscape would be an eye-sore and forever alter the residential character of the community.

We **REQUEST** that the planning commissioners take a precautionary approach, strongly consider the potential physical and mental health effects, aesthetic impacts, and ineffective coverage improvement from the proposed wireless communication tower, and do everything possible to prevent this tower (and future cell towers) from being built near residential areas.

I won't be able attend the public hearing at City Hall on October 9, 2013. Please let me know if there is anything else I can do to make my written statement a part of the public hearing.

Sincerely,

Cynthia R. Armstrong  
1142 Manor Drive  
San Jose, CA 95125  
#408-267-0237

10/7/2013

**Baty, John**

---

**From:** John Paterson [johnmpaterson@hotmail.com]  
**Sent:** Tuesday, October 01, 2013 4:29 PM  
**To:** Baty, John  
**Subject:** Opinion on new wireless antenna in Willow Glen - SP13-025

Dear John,

We will not be able to make the department of planning meeting on Wednesday, 10/9. Neither my wife nor I can get off from work. We want you to know that we are opposed to the installation of a new Wireless communication antenna at the corner of Roy Ave and Lincoln Ave.

We live at 1145 Roy Ave which is right down the street. We get excellent cell service. We don't need a new tower.

We feel the look of that tower will be unsightly and will lower the value of our property.

We feel that there is enough controversy about the long term medical effects of a tower close to humans that it is not wise to put one in the midst of a residential area.

Please do not approve this project.

John and Rhoda Paterson  
1145 Roy Ave  
San Jose, CA 95125  
408-623-2240

10/7/2013



WILLOW GLEN SOUTH  
2285 Lincoln Avenue  
San Jose, CA 95125  
Santa Clara County

PS# 255603

DENIED

## APPROVALS

VERIZON - CONST.	DATE: _____
VERIZON - RF ENG.	DATE: _____
VERIZON - EQUIP ENG.	DATE: _____
VERIZON REAL ESTATE	DATE: _____
PROPERTY OWNER	DATE: _____
CORE - CONST.	DATE: _____
CORE - LEASING	DATE: _____
CORE - ZONING	DATE: _____



Verizon Wireless  
2785 Mitchell Drive  
Suite 9  
Walnut Creek, CA 94598

Client: \_\_\_\_\_



5100 CLAYTON RD.  
B-1, SUITE 354  
CONCORD, CA 94521  
(510) 420-0884

Project Architect: \_\_\_\_\_

100% ZONING

Drawing Phase: \_\_\_\_\_

WILLOW GLEN SOUTH  
2285 LINCOLN AVENUE SAN  
JOSE, CA 95125  
PS# 255603

Site: \_\_\_\_\_

Professional Seal: \_\_\_\_\_

It is a violation of law for any person,  
unless they are acting under the  
direction of a licensed Professional  
Architect/Engineer, to alter this  
document.



10 ROLLINS ROAD  
SUITE 202  
MILLBRAE, CA 94030

Rev.	Date	Description
01	10/11/12	Zoning Dwg 100%
02	11/07/12	Zoning Dwg 100%
03	11/16/12	Zoning Dwg 100%
04	02/15/13	Zoning Dwg 100%
05	02/21/13	Zoning Dwg 100%

Project No.: V-12-CA2035

Date: 03/02/13 Job No.: \_\_\_\_\_

Scale: AS SHOWN CAD File: \_\_\_\_\_

Designed By: RB Checked By: JG

TITLE SHEET

Sheet Title: \_\_\_\_\_

T-1

Sheet No.: \_\_\_\_\_

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## SITE INFORMATION

PS PROJECT I.D.#: 255603  
OWNER: JOSEPH CASTELLO  
2420 CAROL DRIVE  
SAN JOSE, CA 95125  
APPLICANT: VERIZON WIRELESS  
2785 MITCHELL DRIVE, SUITE 9  
WALNUT CREEK, CA 94598  
AGENT: CORE DEVELOPMENT SERVICES  
10 ROLLINS RD. STE. 202  
MILLBRAE, CA 94030  
APN: 439-34-020  
SITE ADDRESS: 2285 LINCOLN AVENUE  
SAN JOSE, CA 95125  
COUNTY: SANTA CLARA COUNTY  
LATITUDE: 37° 17' 18.8" NORTH (NAD 83)  
LONGITUDE: 121° 53' 13.6" WEST (NAD 83)  
GROUND ELEVATION: 144.5' AMSL  
ZONING: C-P (COMMERCIAL PEDESTRIAN)  
ZONING JURISDICTION: CITY OF SAN JOSE

## VICINITY MAP



## PROJECT TEAM

### CORE DEVELOPMENT SERVICES

CORE DEVELOPMENT SERVICES  
10 ROLLINS ROAD, SUITE 202  
MILLBRAE, CA 92821

PROJECT MANAGER: BILL LEWIS

MOBILE: (510) 847-7446  
FAX: (714) 333-4441  
EMAIL: bblewis@core.us.com

CONSTRUCTION MANAGER: VICTOR SALAS

MOBILE: (510) 684-4297  
EMAIL: vsalas@corecomgroup.com

ZONING MGR: LILY LIM

MOBILE: (510) 847-8911  
FAX: (714) 333-4441  
EMAIL: lilim@core.us.com

### ARCHITECT/ENGINEER:

V-ONE DESIGN GROUP, INC.  
5100 CLAYTON RD.  
B-1, SUITE 354  
CONCORD, CA 94521  
CONTACT: RODNEY BARNES  
MOBILE: 707-592-5924  
EMAIL: rodney@v-onedesign.com

### VERIZON WIRELESS

2785 MITCHELL DRIVE, SUITE 9  
WALNUT CREEK, CA 94598

PROJECT MANAGER: MIKE DIPIERO

PHONE: (925) 260-9275  
FAX: (925) 389-6380  
EMAIL: mike.dipiero@verizonwireless.com

### HANDICAP REQUIREMENTS

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.  
HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH  
CALIFORNIA ADMINISTRATIVE STATE CODE PART 2, TITLE 24,  
CHAPTER 11B, SECTION 11039.

## PROJECT DESCRIPTION

### PROPOSED

- REMOVAL OF EXISTING CONCRETE PAVING AND PLANTERS
- INSTALL 60' HT. STEEL MONOPOLE WITH (9) SLIMLINE PANEL ANTENNAS INSIDE RADOME ENCLOSURE
- INSTALL VERIZON EQUIPMENT CABINETS ON CONCRETE PAD WITHIN 14' X 35' LEASE AREA, ENCLOSED INSIDE 9' HT. CMU WALL
- INSTALL 3 SECURITY BOLLARDS AT LEASE AREA AND 3 AT DOGHOUSE
- INSTALL RAISED PLANTER BETWEEN LEASE AREA AND PROPERTY LINE, TO MATCH EXISTING
- INSTALL METAL DOGHOUSE AT MONOPOLE, COLOR TO MATCH POLE
- PROVIDE UNDERGROUND UTILITY TRENCH FROM POINT OF CONNECTION TO LEASE AREA

## DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
LS-1	SITE SURVEY
A-1	OVERALL SITE PLAN
A-2	LEASE AREA ENLARGEMENT MONOPOLE ENLARGEMENT AREA MONOPOLE PLAN
A-3	LEASE AREA EQUIPMENT PLAN
A-4	ELEVATION
A-5	ELEVATION

## ADMINISTRATIVE REQUIREMENTS

CONTRACTOR SHALL VERIFY ALL PLANS & (E) DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE



UNDERGROUND  
SERVICE ALERT  
CALL TOLL FREE  
1-800-227-2600

THREE WORKING DAYS BEFORE YOU DIG

## CODE COMPLIANCE

CONSTRUCTION WORKS AND MATERIALS MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO:

1. CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLE 24 & 25)
2. 2010 CALIFORNIA BUILDING CODE
3. 2010 CALIFORNIA MECHANICAL CODE
4. 2010 CALIFORNIA PLUMBING CODE
5. 2010 CALIFORNIA ELECTRIC CODE
6. 2010 CALIFORNIA ENERGY CODE
7. 2010 CALIFORNIA FIRE CODE
8. 2010 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
9. NFPA 72, 2010 EDITION, NATIONAL FIRE ALARM CODE, AS AMENDED
10. ANSI/BIA-222-G LIFE SAFETY CODE NFPA-101
11. LOCAL BUILDING CODE
12. CITY/COUNTY ORDINANCES

### ACCESSIBILITY REQUIREMENTS

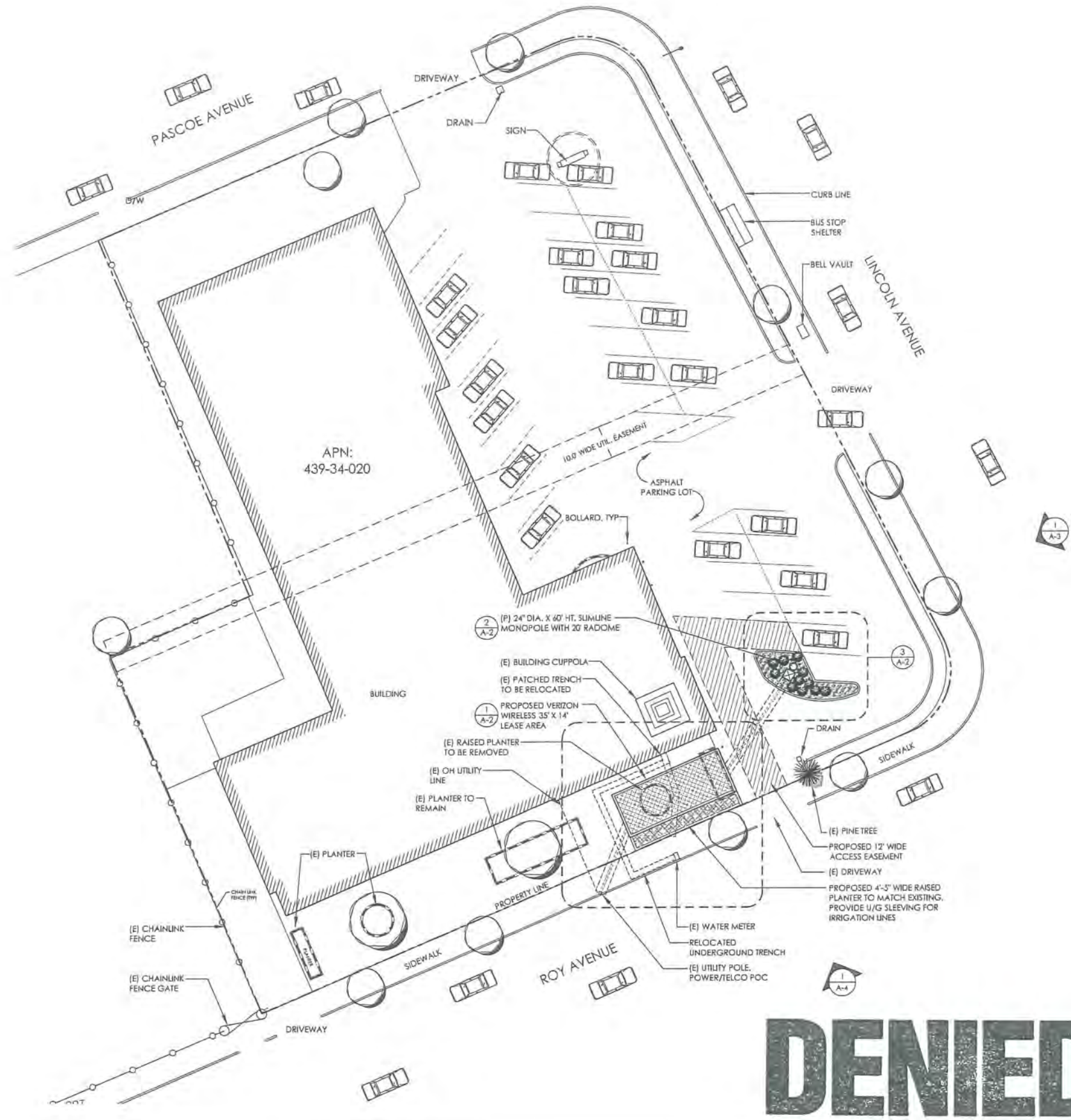
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.  
HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH  
THE 2007 CALIFORNIA BUILDING CODE PART 2, TITLE 24, PART 2,  
VOLUME 1, CHAPTER 11B, SECTION 11238.2, EXCEPTION 1

## DRIVING DIRECTIONS

### DIRECTIONS FROM VERIZON WIRELESS RF MARKET OFFICE:

1. HEAD SOUTHWEST ON MITCHELL DR TOWARD N WIGET LN
2. TURN LEFT ONTO N WIGET LN
3. TURN RIGHT ONTO YGNACIO VALLEY RD
4. TURN LEFT TO MERGE ONTO I-680 S TOWARD SAN JOSE
5. CONTINUE ONTO I-280 N
6. TAKE THE 3A/CALIFORNIA 87 EXIT TOWARD GUADALUPE PARKWAY
7. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR CA-87 S/GUADALUPE PKWY
8. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR CALIFORNIA 87 S AND
9. MERGE ONTO CA-87 S/GUADALUPE PKWY TAKE EXIT 38 FOR ALMADEN EXPWY
10. MERGE ONTO ALMADEN EXPWY
11. TAKE THE EXIT TOWARD CURTNER AVE
12. TURN RIGHT ONTO CURTNER AVE
13. TURN LEFT ONTO LINCOLN AVE
14. DESTINATION WILL BE ON THE RIGHT AT THE CORNER OF ROY AVENUE

SP13-025



**verizon**wireless

Verizon Wireless  
2785 Mitchell Drive  
Suite 7  
Walnut Creek, CA 94598

Client:

V-One Design Group Inc.

5100 CLAYTON RD.  
8-1, SUITE 354  
CONCORD, CA 94521  
(510) 420-0884

Project Architect:

**100% ZONING**

Drawing Phase:

**WILLOW GLEN SOUTH**  
2285 LINCOLN AVENUE SAN  
JOSE, CA 95125  
PS# 255603

Site:

Professional Seal:

It is a violation of law for any person,  
unless they are acting under the  
direction of a licensed Professional  
Architect/Engineer, to alter this  
document.

**core**  
DEVELOPMENT SERVICES

10 ROLLINS ROAD  
SUITE 202  
MILLBRAE, CA 94030

Rev.	Date	Description
01	10/11/12	Zoning Dwgs 90%
02	11/07/12	Zoning Dwgs 100%
03	11/16/12	Zoning Dwgs 100%
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05	02/21/13	Zoning Dwgs 100%

Project No.: V-12-CA2035

Date: 08/08/13 Job No.:

Scale: AS SHOWN CAD File:

Designed By: RB Checked By: JG

**OVERALL SITE PLAN**

Sheet Title:

**A-1**

Sheet No.:

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**OVERALL SITE PLAN**

**DENIED**



**verizon**wireless

Verizon Wireless  
2785 Mitchell Drive  
Suite 9  
Walnut Creek, CA 94598

Client:

**V-One Design Group Inc.**

5100 CLAYTON RD.  
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**core**  
ENVIRONMENTAL SERVICES

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Designed By: RB Checked By: JG

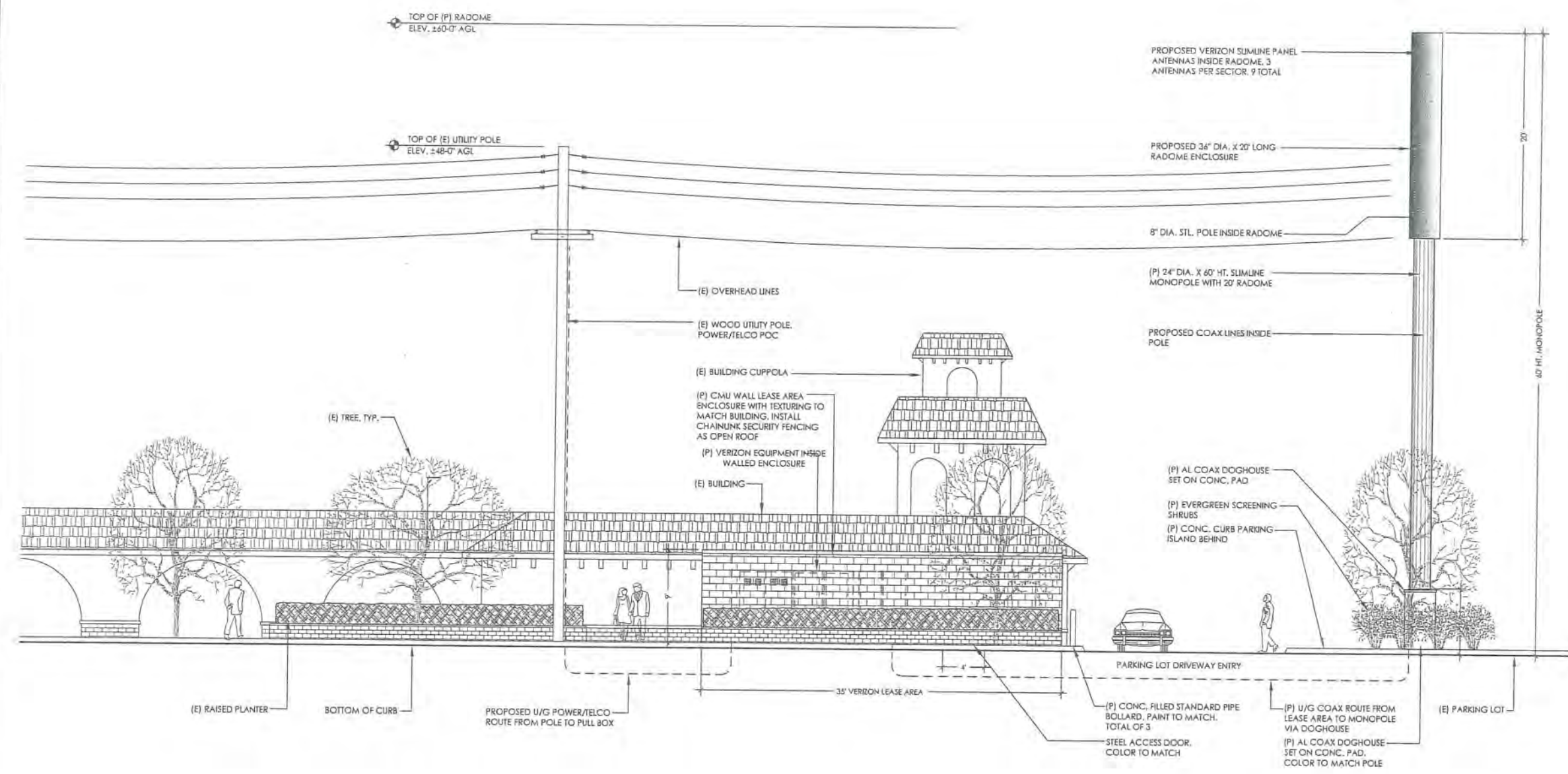
**ELEVATION**

Sheet Title:

**A-5**

Sheet No.:

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**DENIED**

**SOUTH ELEVATION**

0 2 4 8 12  
SCALE  
3/16" = 1'-0"

1